



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,789	11/13/2001	Steven W. Worrell	JSR 026 P2	5842

29673 7590 10/03/2003
STEVENS & SHOWALTER LLP
7019 CORPORATE WAY
DAYTON, OH 45459-4238

EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,789

Applicant(s)

WORRELL ET AL.

Examiner

Aditya S Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,8,11-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 3,5,7,9,10,22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1, 2, 4, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb (U.S. Patent 6,199,102) in view of Knowles et al. (U.S. Patent 5,905,863).

Cobb discloses a method for message filtering including the step of extracting message body data from messages (col. 4, lines 59-63), extracting messages attribute data from messages (col. 4, lines 59-63), computing a message feature vector jointly from the messages feature vector (col. 4-5, lines 64-23, fig. 4 unit 100), computing a messages using the messages feature vector (fig. 7A), passing or withholding the message based on the discriminant score (col. 3, lines 21- 41, fig. 7A), using the user environment (col. 4, lines 59-63), when a message is passed displayed to the user (col. 5, lines 16-23), a prompt is a visual cue (col. 5, lines 24-35).

Cobb does not disclose the use of discriminant score using the messages.

Knowles discloses the use of discriminant score using the messages (col. 4-5, lines 65-50, to achieve a significant level of accuracy at identifying the messages (col. 4, lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cobb to have the use of discriminant score using the messages taught by Knowles in order to achieve a significant level of accuracy at identifying the messages (col. 4, lines 15-23).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17, 18-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cobb (U.S. Patent 6,199,102).

Cobb discloses a method for filtering messages arriving in an online system including the step of providing a plurality of incoming messages from a system

(col. 2, lines 25-33), receiving an input from the user instructing the online system to a user (col. 2, lines 34-46), labeling each incoming messages in response to the instruction to act upon the incoming messages to create online labeled data set (fig. 4, unit 105, 115, 107, 116), training a classifier with the online data set (fig. 4, unit 103), ignore the incoming message (col. 3, lines 21-41), read and delete the incoming messages (col. 3, lines 21-41), perform a further action upon the incoming messages (col. 3, lines 21-41), forwarding a message (col. 5, lines 24-27, fig. 4, unit 104), retain using online labeled data set (col. 3, lines 21-41).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 11-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Geiger et al. (U.S. Patent 6,073,142).

Drum discloses a method for obtaining a messages classifier anticipating significant event in a time series including acquiring a set of messages spanning a time period (col. 3, lines 52-65, col. 8, lines 24-38), acquiring time series values spanning the time period (col. 8, lines 24-38, col. 8-9, lines 60-3), defining

significant event in time series (col. 8, lines 39-59), defining time interval preceding the significant event in time series (col. 9, lines 4-14), and training a classifier to pass messages occurring in the defined interval (col. 9, lines 15-33), labeling the messages and to pass or withhold the messages (col. 9, lines 4-14), event relate to financial time series data (col. 8, lines 24-38), classifier train to pass messages indicating an anticipated increase, decrease and constant in time series (col. 8, lines 24-38, col. 9, lines 4-14).

Claim Objections

4. Claims 3, 5, 7, 9, 10, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art of record fails to teach use of audio cue, audiovisual cue, the attribute features are derived from day of the week, corporate affiliation and academic affiliation, the formula $Z = (X_m \cdot X_u) / (|X_m| \cdot |X_u|)$, to provide a identification messages of current interest to the user, the formula $y = [y_i] = X_m \cdot X_u$

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Applicant's arguments filed 30 June 2003 have been fully considered but they are not persuasive.

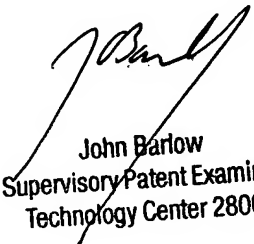
During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meanings of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). In this instance the prior art of record reads on the claimed invention. If the applicant were to amend the claims to clarify the scope of the invention then the pending application maybe in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya Bhat
September 11, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800